

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WALTER GLOVER,

Plaintiff

v.

P. HORVATH, *et al.*,

Defendants

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CIVIL NO. 1:13-CV-2729

(Judge Rambo)

(Magistrate Judge Carlson)

MEMORANDUM

Before the court is a report and recommendation (Doc. 36) filed by the magistrate judge to whom this matter was referred in which he recommends that the Defendants' motion to dismiss be granted without prejudice. Plaintiff Walter Glover has filed objections to the report and recommendation (Doc. 37). The matter is ripe for disposition.

I. Discussion

A. Allegations in the Complaint

It appears that Glover's complaint consists of the following allegations:

- (1) a class action suit on behalf of other inmates; (2) false misconduct reports; and (3) failure of the Commonwealth to grant parole.

B. Recommendation of the Magistrate Judge

It is noted by the magistrate judge and is verified by the undersigned that Glover's complaint is not by any measure one of clarity. Based on Federal Rule of Civil Procedure 12(b)(6), and the standard set forth in case law expounded in *Bell*

Atlantic Corp. v. Twombly, 550 U.S. 544 (2007); *Phillips v. County of Allegheny*, 515 F.3d 224, 230 (3d Cir. 2008); and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009), the magistrate judge opined that Glover's complaint should be dismissed for failure to meet those standards.

In his objections to the report and recommendation, Glover claims that his complaint should be given consideration pursuant to *Conley v. Gibson*, 355 U.S. 41, 45-46 (1957). Glover totally ignores the fact that the cases of *Twombly* and *Iqbal* have impacted on the requirements of a legally sufficient complaint. This court agrees with the magistrate judge that Glover's complaint fails to state a claim upon which relief may be granted.

The magistrate judge's recommendation that Glover's complaint may be alleging a class action is moot in light of Glover's acknowledgment in his objections to the report and recommendation that he is not bringing a class action suit.

Glover's claims involving the institution's disposition of his grievances, his disciplinary misconduct proceedings, and denial of parole, have been thoroughly addressed by the magistrate judge. Glover alleges that his grievances were untimely or misfiled because the prison personnel did not process them correctly. He claims that he can prove that individuals who served on his disciplinary proceeding had personal involvement in the underlying charge. He gives no further specific information. As in his complaint, Glover's objections to the report and recommendation are conclusions and bald assertions.

II. Conclusion

For the reasons set forth above, the report and recommendation will be adopted. An appropriate order will be issued.

s/Sylvia H. Rambo
United States District Judge

Dated: July 1, 2015.